

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

STATE OF MISSOURI,

Respondent,

v.

THOMAS BRYAN SEAY,

Appellant.

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**DOCKET NUMBER WD74854**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** March 26, 2013

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**APPEAL FROM**

The Circuit Court of Callaway County, Missouri  
The Honorable Christine Carpenter, Judge

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**JUDGES**

Division Two: Mitchell, P.J., and Newton and Hardwick, JJ.

CONCURRING.

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**ATTORNEYS**

Chris Koster, Attorney General  
Dora A. Fichter, Assistant Attorney General  
Jefferson City, MO

Attorneys for Respondent,

Erika R. Eliason, Assistant Public Defender  
Columbia, MO

Attorney for Appellant.

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## MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI, )  
 )  
 Respondent, )  
v. ) **OPINION FILED:**  
 ) **March 26, 2013**  
THOMAS BRYAN SEAY, )  
 )  
 Appellant. )

WD74854

Callaway County

**Before Division Two Judges:** Karen King Mitchell, Presiding Judge, and Thomas H. Newton and Lisa White Hardwick, Judges

Thomas Seay appeals his convictions, following a bench trial, for two counts of failing to appear in violation of section 544.665, RSMo Cum. Supp. 2009. Seay alleges that the evidence was insufficient to support his convictions insofar as he failed to appear for a probation violation hearing, which he claims was not a crime as required for conviction under section 544.665.

**AFFIRMED.**

**Division Two holds:**

Pursuant to a 2009 amendment, section 544.665 now makes the failure to appear for a probation revocation hearing a crime. Seay's convictions and sentences are affirmed.

**Opinion by: Karen King Mitchell, Presiding Judge**

March 26, 2013

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THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.